



FILED

INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

<http://www.state.in.us/iurc/>
Office: (317) 232-2701
Facsimile: (317) 232-6758

**IN RE: THE MATTER OF A COMMISSION
INVESTIGATION ON ITS OWN MOTION
REGARDING OPERATION OF UTILITY
CENTER, INC.'S WATER AND SEWAGE
TREATMENT FACILITIES IN ALLEN COUNTY,
INDIANA.**

REGULATORY COMMISSION

CAUSE NO. 41187

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission" or "IURC") has caused the following entry to be made:

Pursuant to a Docket Entry issued in this Cause on December 16, 2004, an Attorneys' Conference was convened on January 18, 2005, at 10:30 a.m. in Indiana Government Center South Room E306, Indianapolis, Indiana. At that Attorneys' Conference Respondent Utility Center, Inc., appeared by counsel, Christopher J. Weber. The City of Fort Wayne appeared by counsel, Randolph L. Seger and Christopher M. York. Thomas T. Nitza, Jr., Program Manager for the City of Fort Wayne, was also present. The OUCC appeared, by counsel, Daniel M. LeVay. IURC Testimonial Staff, Jerry Webb, was present with counsel Kristina Kern Wheeler and Erin Peters. On behalf of IURC Advisory Staff, Chris Lewis, Shawn Kelly, and Moshrek Sobhy appeared.

The parties updated the Presiding Officers on the status of their meetings to pursue resolution of a number of outstanding issues in this Cause. The parties advised that in spite of one global meeting and numerous teleconferences, they are unable to reach agreement on the pending issues. Given these circumstances, counsel for Utility Center, Inc. requested that a formal procedural schedule be established through which the Commission may hear evidence on whether or not to approve the master plan submitted pursuant to the Settlement Agreement approved by the Commission on December 1, 1999¹ and evidence on the issue of how the investigation in this Cause might be brought to some conclusion.

The parties tentatively agreed to a procedural schedule which will be reviewed at a prehearing conference scheduled in this Cause for February 9, 2005, in Room E306 of the Indiana Government Center South, Indianapolis, Indiana. Notice of this hearing will be published as required by law and will be served upon all parties of record, including intervenors.

In the meantime, should the parties determine that they are able to reach agreement on some or all of the outstanding issues, the parties are directed to file a copy

¹ See IURC Interim Order, Cause No. 41187, December 1, 1999.

of the modified agreement with the Commission at least five (5) days in advance of the Prehearing Conference.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'David E. Ziegner', written over a horizontal line.

David E. Ziegner, Commissioner

A handwritten signature in black ink, appearing to read 'Andrea L. Brandes', written over a horizontal line.

Andrea L. Brandes, Administrative Law Judge

Dated: January 19, 2005